

REMARKS

I. Summary

- Claims 1-4, 6-10, 12-16, 18 – 24 and 31-34 are pending.
- All claims stand rejected under §101. Applicants have amended each independent claim in accordance with Examiner's suggestion (except for independent claim 34, which appears to already include an allowable limitation).
- The Drawings have been objected to as not referencing the elements of Fig. 6, which was added in a previous response. Applicants have amended the specification to refer to the elements of Fig. 6. Applicants have also amended the specification to refer to the elements of Fig. 4 which were added in a previous response.
- Since this Amendment & Response is being filed in response to a Final Office Action, it is being filed along with an RCE and the appropriate corresponding fee, to ensure consideration of this submission.

II. Objection – Drawings

The drawings have been objected to under 37 CFR 1.84(p)(5) as including the following reference numerals of Fig. 6, introduced in response to the Office Action mailed July 13, 2005 (the "July '05 OA" herein), which reference numerals are not currently included in the specification: 602, 604, 605, 606, 607, 608, 609, 610, 612. Current Office Action, page 2.

The specification has been amended herein to refer to each of these reference numerals of Fig. 6. The specification has also been amended herein to refer to Fig. 6 in the "Brief Description of the Drawings" section on page 3.

Applicants also noted during a review of the file that Fig. 4 was amended in response to the Office Action mailed July 21, 2004 (the "July '04 OA" herein), to include new elements 405, 407 and 409, yet the specification was inadvertently not amended to refer to these new elements. Accordingly, Applicants have amended the specification herein to refer to these elements of Fig. 4.

III. Claim Rejections – Section 101

Claims 1 – 4, 6 – 10, 13 – 16, 18 – 22, 24, 31 – 32, 34 and 40 – 49 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Current Office Action, page 3. Specifically, the Examiner has asserted that these claims "do not constitute a tangible result. Although a determination is made regarding the hand or plurality of hands blackjack, the result is never functionally used or displayed." Current Office Action, page 3. Applicants are unsure as to why dependent claim 12 was not included in this rejection and assume it was a typographical error. If there is another reason for claim 12 not being rejected under §101, Applicants respectfully request clarification.

The Examiner has very helpfully suggested that an amendment to the claims such that the claims recite that "the players are notified of the winner of the game" would be sufficient to overcome this rejection. Current Office

Action, page 4. Although Applicants continue to disagree with the basis for this rejection, as argued in detail in response to the July '05 OA, Applicants have amended independent claims **1, 31 and 33** in accordance with the Examiner's suggestion.

Applicants have not amended independent claim **34** herein (the only other pending independent claim that has been rejected under §101) because Applicants respectfully submit that this claim already recites a limitation in line with the Examiner's suggestion, namely:

displaying to the player an indication of at least one of (i) the random outcome and (ii) the determination if the player has won the hand of blackjack; and

arranging for the player to receive payment of a winning amount based on the wager amount

Applicants are confused as to how these limitations do not, either independently or together, result in a useful, concrete and tangible result being achieved in the claimed embodiments, particularly in light of the Examiner's helpful comments as to how the rejection may be overcome. Similarly, Applicants are confused as to why dependent claims **2, 21, 44 and 49** fail to satisfy the §101 Guidelines set forth by the PTO. Irrespective, Applicants respectfully submit that each of the rejected claims now satisfies the current PTO Guidelines on §101 and is thus allowable.

CONCLUSION

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Magdalena M. Fincham, via the contact information provided below.

Applicants do not believe any fee (e.g., for an extension of time with which to respond to the Office Action) or petition for an extension of time is required at this time. However, if a fee should be necessary for the present Application at this time (or any time during the prosecution of the present Application), please charge any such required fee to our Deposit Account No. 50-0271. Please credit any overpayment to Deposit Account No. 50-0271. Further, if a petition for any extension of time should be required, please grant such petition as appropriate.

June 14, 2006
No. 46,085/

Respectfully submitted,

/Magdalena M. Fincham Reg.

Magdalena M. Fincham
Attorney for Applicants
Registration No. 46,085
mfincham@walkerdigital.com
(203) 461-7041/ voice
(203) 461-7300 / fax